

CITY OF NORTHVILLE
Planning Commission
July 21, 2015
Northville City Hall – Council Chambers

1. CALL TO ORDER:

Chair Wendt called the meeting to order at 7:30 p.m.

2. ROLL CALL:

Present: Carol Maise
Dave Mielock
Christopher Miller
Matthew Mowers
Mark Russell
Anne Smith
Jeff Snyder
Jay Wendt

Absent: Steve Kirk (excused)

Also present: Patrick Sullivan, City Manager
Sally Elmiger, Planning Consultant
James Gallogly, Public Works Director
Craig Strong, Chief Building Official

3. APPROVAL OF AGENDA:

MOTION by Russell, support Mielock, to approve the agenda as presented. Motion carried unanimously (Kirk absent).

4. MINUTES OF PREVIOUS MEETING: June 2, 2015

The minutes were amended to include a correction of paragraph 4, page 6, as follows:

Planning Consultant Elmiger read the definition of *habitable space* from the Ordinance, which was the same definition as that found in the State Building Code: *Habitable Space: Is a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utilities spaces and similar areas are not considered habitable spaces.*

Motion by Mielock, support Russell, to approve the June 2, 2015 minutes as amended. Motion carried unanimously.

5. AUDIENCE COMMENTS:

Mark Dick, 43593 Serenity Drive, Northville MI, explained that he and his wife were in process of purchasing a 2-acre parcel at 610 Randolph Street. They had participated in extensive meetings with city staff, and they had submitted for preliminary approval. However, due to the unique nature of the property,

Planning Consultant Elmiger had advised that more extensive detail that would be more in line with the final submission was needed. He was here this evening to let the Commission know that their intent was to divide the property into five parcels, and they would be building and living on one of those parcels. No variances would be needed for this development. Mr. Dick said he was looking for any comments or concerns that might inform their plans going forward.

Responding to comments from the Commission, Mr. Dick said these would be site condominiums, and there would be a private drive off of Randolph Street. The approach would be within regulations. They had previously lived in Italy, and they would be replicating the use of retaining walls as found in Italy to build on the topography of the property, and would be working with experienced architects and engineers.

In response to a question from Commissioner Maise, Planning Consultant Elmiger briefly reviewed process. The applicants would need to go through preliminary and final site plan approvals by the Commission. The original submission had not provided enough detail regarding the proposed grading.

Commissioner Miller asked about the status of the parcel. Mr. Dick said the sellers had accepted their offer.

In response to a question from Commissioner Russell, Mr. Dick said they were working with Public Works Director Gallogly regarding drainage on the site. They would have a retention pond and a detention basin on site, and were working with experienced contractors as well as looking at other similar sites for best practices, lessons learned, etc.

Mr. Dick said they hoped to present at the next Planning Commission meeting.

6. REPORTS:

A. CITY ADMINISTRATION:

City Manager Sullivan reported that at last night's City Council meeting the text amendments for PR-1 Zoning (Cider Mill) had been adopted. There had also been a first reading of the amendments to the BZA Dimensional Variance Criteria.

B. CITY COUNCIL:

City Manager Sullivan said that as Mayor Pro Tem Allen could not be present this evening, Mr. Allen had asked that it be noted that the Corner House Project had agreed to modify their landscaping and streetscape to coordinate with the DDA's Design Criteria for streetscapes.

C. PLANNING COMMISSION:

Commissioner Russell noted that the Begonia Brothers store appeared to be empty. He wondered if the truck that was parked on the north side of the building would be removed.

D. OTHER COMMUNITY/GOVERNMENTAL LIAISONS: None

7. PUBLIC HEARING:

FRONT YARD AVERAGING

Referring to the handout in the Commissioners’ packets labeled *AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NORTHVILLE TO MODIFY THE FRONT YARD AVERAGING CALCULATION IN THE R-1A AND R-1B ZONING DISTRICTS*, Planning Consultant Elmiger explained that the proposed ordinance modification had been suggested by the Building Inspector.

The current front yard averaging allowed a building to be 90% of the front yard setbacks of the homes on either side. The intention was to create a more consistent front for all homes on the street. Therefore the multiplier .9 was proposed to be removed so that the average was used as the front yard setback.

Chair Wendt opened the public hearing. Seeing that no one came forward to comment, Chair Wendt closed the public hearing.

MOTION by Maise, support Russell, that the Planning Commission recommend the amended language to Section 15.02 as presented this evening to City Council.

Commissioner Mielock wondered if the ordinance language should be clarified regarding the fact that the averaging pertained to buildings within 200 feet *on the same side of the street*. Commissioner Mowers pointed out language in the ordinance that did include this information. Commissioner Maise added that this was existing language, and confirmed with Planning Consultant Elmiger that this had not caused confusion in the past.

Seeing that discussion had ended, Chair Wendt asked for a roll call vote:

Russell	yes
Snyder	yes
Smith	yes
Miller	yes
Mielock	yes
Maise	yes
Mowers	yes
Wendt	yes

Therefore, the motion carried unanimously (Kirk absent).

8. FINAL SITE PLAN REVIEWS

CORNER HOUSE – 335 E CADY STREET

Planning Consultant Elmiger explained that the applicant was requesting final site plan approval for the construction of a 3-story townhouse-style condominium development located at the northwest corner of Cady and Griswold Streets. The Planning Commission had granted Preliminary Site Plan approval at its December 16, 2014 meeting, conditioned upon the following:

- Approval of the proposed Cady Street Overlay District, including first floor residential.
- Applicant to resolve the issues listed in the December 9, 2014 Carlisle/Wortman review letter.
- Applicant to study and provide documentation that the project access complied with ITE (Institute of Transportation) standards and/or recommendations from the applicant’s civil

engineer and/or traffic consultant, regarding compliance with current engineering standards for vehicle movements on the site and the access drive.

The Historic District Commission did grant approval in April 2015 for these plans, which were exactly the same as the plans before the Commission this evening.

The Cady Street Overlay District was approved by the City Council at its March 16, 2015 meeting, and did allow for first floor residential use, which the Corner House included.

The applicant was asking for a waiver of the 10-foot minimum front yard setback. The Planning Commission could waive the 10-foot setback requirement if the project incorporated placement of all bedrooms on the second floor and/or if architectural projections, recesses or other design features directed pedestrians to sidewalk areas.

In conclusion, Planning Consultant Elmiger said that the following items should be addressed prior to Final Site Plan approval, as outlined on pages 11-12 of the Carlisle/Wortman review letter:

- A. Planning Commission waiver of front setback.
- B. Confirm that a donation to the City's environmental trust fund would be made in an amount equaling that of 11 trees.
- C. Provide details of planter bed at corner of Cady and Griswold to ensure that total height of bed and shrubs did not exceed 30 inches.
- D. 1. Confirm that parking lot access point and maneuvering lane complied with ITE standards, or design was based on recommendation from civil engineer/traffic consultant. 2. Coordinate elimination of parking spaces on west side of Griswold with DPW Director. 3. Provide additional information regarding circulation, especially with regard to trash pickup, to comply with conditions for Preliminary Site Plan approval.
- E. Provide photometric plan.
- F. 1. Stormwater design. 2. Fire line needed for building? 3. Coordinate stormwater and utility issues with City Engineer.
- G. 1. Provide additional information regarding rooftop terraces for eastern-most units. 2. Provide more information clarifying how the new retaining wall would coordinate with the existing retaining wall behind the New Victorian building.
- H. Submit condominium documents.

Planning Consultant Elmiger especially emphasized the following items:

Regarding item D., did the site access point and maneuvering lane comply with current engineering standards for turning movements? Also, how would garbage trucks utilize the site and pick up trash from individual units?

Regarding G., the eastern units showed a spiral staircase to the roof. Was a rooftop terrace planned for those units?

Also regarding G., the proposed retaining wall appeared to not coordinate with the retaining wall from the New Victorian Building.

Planning Consultant Elmiger concluded her review.

Roger Berent, of Roger Berent Architects, 53064 Nadine Court, Shelby Township, MI 48316, and a partner in the proposed development, was present on behalf of this application. Realtor Shelby Fulkerson, Hub LLC, 829 Penniman Avenue, Plymouth MI, and a partner in the development, was also present.

Utilizing the overhead projector, and also referring to supplemental information distributed this evening to the Commission, Mr. Berent made the presentation for this application. He explained that they were seeking the waiver of the front yard setback and final site plan approval.

Regarding trash receptacle pickup, Mr. Berent referred to an email from Sheldon Brown of Republic Services, 5400 Cogswell, Wayne MI, which described trash pickup arrangements. Each unit would have an individual bin that they would wheel out by 7:00 a.m. on Fridays. The truck would drive past the access and back into the site. The driver would have to move the bins from the two far units into place so that he could empty those. The truck would then pull out into the street.

Regarding the planter bed section on the corner, this would be masonry wall with a two-tier planting bed. The first set of shrubs grew to about 3 feet tall, and the back ones grew to about 2 feet. Everything would be below the required clearance line and would be maintained to this standard. The 16-inch retaining wall would allow pedestrians to sit and rest.

Regarding the turning radius and curbs, Mr. Berent showed a letter from their civil engineer Damon L. Garrett, PE, Metro Consultant Associates addressing the concerns of the Planning Consultant. The location of the proposed driveway location was consistent with the design and location of other access points downtown. The 9.5-foot radius for the turning curb met ITE standards and acted as a traffic-slowing device. This was a low intensity use, only 11 units. Four trees on either side of the driveway would be removed and replaced with low-growing shrubs. Last, the property did not extend far enough to the north to align the proposed driveway with the existing drive across Griswold Street. Shifting the driveway south was not possible, and even it was, this would push the driveway too close to the intersection of Griswold and Cady Streets.

Mr. Berent showed additional renderings, including one in context with the New Victorian.

Photometric plans were in progress but they did not yet have them this evening. They would comply with all lighting requirements and would be happy to accept this as a condition of an affirmative motion.

They did modify the landscape plan and they would place funds in the environmental trust fund in the amount required.

Mr. Berent gave details of retaining wall design, explaining that they were up against the New Victorian building and its retaining wall. This required further investigation in terms of full site engineering. They would provide this once they got their full building permit. They would be retaining the back end per all building code requirements.

Mr. Berent pointed out gray shaded areas on units 1, 4, 5, 9 and 10. Those areas were within the 10-foot setback, and the majority of the units did conform to setback requirements. Porches were used to access each of the units and the porches engaged the sidewalk. They did not have any first floor bedrooms. Therefore there were five areas that did not meet the 10-foot setback requirement and they were asking for the waiver in those areas.

Mr. Berent pointed out that the Historic District Commission wanted to see the buildings align; the waiver would be required in order to do this.

Mr. Berent quoted from the Cady Street Overlay District language regarding architecture (Article 10.06.p) and related how the design for this project met the desire for high-quality building materials and with complimentary building architecture, including first floor architecture compatible with sidewalk areas, an orientation to the street and front sidewalk, screening of all roof-top equipment, etc.

Mr. Berent said they had received much positive feedback regarding this development from the public and prospective owners.

Mr. Berent said that this development also met the Corner Building Standards of the Cady Street Overlay District (Article 10.06.q), in that it incorporated distinctive features, materials, designs, etc. for its corner design elements.

Commissioner Maise confirmed that the Corner House would be flush with the New Victorian. She asked how the setback waiver would affect the sidewalk in that area. Mr. Berent explained that the sidewalk would actually remain the same width as that in front of the New Victorian, which he thought was 7 feet. Part of the sidewalk was in the right-of-way and part was on private property.

In response to a question from Commissioner Maise, Department of Public Works Director Gallogly said the City had not had a traffic engineer look at the access drive. Commissioner Maise was concerned regarding access drive placement, especially since it did not meet standards because opposing driveways were offset from each other. She understood that moving the drive closer to the intersection was also not ideal. Perhaps a study regarding *level of service* should be done.

Discussion followed. City Manager Sullivan said that, if required, the City would have to hire an outside consultant/traffic engineer to perform such a *level of service* study. Mr. Berent said their engineer was a civil engineer, but was not specifically a traffic engineer.

Mr. Berent said the project previously approved for this site had 44 parking spaces, with the access drive in the same location, and had received approvals and building permits before the project stalled.

Commissioner Maise said that she was not on the Planning Commission when the prior project was approved, and she felt for safety purposes the *level of service* should be analyzed.

In response to a question from Commissioner Mowers, Mr. Berent said the highest point of the retaining wall was almost 16 feet.

Mr. Mowers asked where snow would be piled in the winter. Mr. Berent and Ms. Fulkerson said that they would either utilize a single parking spot for snow storage or haul the snow offsite. No parking spots were dedicated to the units. Also, they had originally planned to have a dumpster space. Since they were no longer using a dumpster, they would have that space for snow storage.

Commissioner Maise noted that the plan showed 28 required spaces. Mr. Berent said this was in error: 27 spaces were required. They would correct this on the plan.

In response to questions from Commissioner Mielock, Mr. Berent said the parking entrance would not be gated. As the west elevation was right up against the New Victorian, it would not need to be brick, though

anything exposed would be brick. The parapet walls would screen the roof top HVAC units. There was a secondary screening wall shown. If the City did not require the secondary wall, they might remove this.

Commissioner Mielock noted that the retaining walls were tall and would require a substantial foundation. They would have to go under the adjacent property; a construction easement would probably be necessary.

Commissioner Snyder spoke to the need to have the drainage adjacent to the retaining wall connect to the storm water drain.

Commissioner Mielock confirmed that this would be a condominium development. At some point would ownership be released to the condominium association? Ms. Fulkerson answered affirmatively.

Commissioner Mielock wondered how the prohibition against first floor bedrooms could be enforced into perpetuity. Could the condominium documents include that prohibition?

In response to a question from Commissioner Mowers, Mr. Berent said the spiral staircases to the rooftop did allow owners of 3 units to have rooftop access. Nothing was planned regarding rooftop decks. The 42-inch parapet gave proper proportion to the building, and also gave privacy to anyone who was on the roof.

Commissioner Russell asked if the porches encroached on the 10-foot setback. Mr. Berent said his reading of the ordinance showed this applying only to conditioned space. Planning Consultant Elmiger said that covered porches were considered structures and could not be in the setback.

In response to a question from Commissioner Russell, Mr. Berent said the sidewalk would match the width of the New Victorian, and would be in line with the New Victorian.

Commissioner Russell said the water at the approach and beyond was draining into the street, especially from the northeast corner. He reviewed grade elevations on Drawing C-3, explaining how those elevations showed a problematic water flow. Water needed to be held and drained on site. A trench drain or pitch grade on the south side of the curb might solve this problem.

In response to a question from Commissioner Mielock, Planning Consultant Elmiger said that a building's height was defined as the height to the surface of a flat roof, and did not include the height of the parapet.

Commissioner Mowers wondered if there were any regulations regarding rooftop terraces. For instance, could a tall Christmas tree be placed on the terrace? This could be addressed and/or restricted in the condominium documents.

Mr. Berent said they would consider adding some limitation to rooftop use – within reason – to the condominium documents.

Commissioner Maise asked if the Planning Commission reviewed the condominium documents, including the Master Deed. She also asked about the photometric plan, which had not yet been provided.

Commissioner Russell addressed the needs of the clear vision triangle; he thought the proposed cherry trees would be branched too low to clear the vision line; perhaps another species of trees could be planted there that would branch higher. Cherry trees were permitted but they were hard to keep alive. Also, another solution might be to plant a larger diameter tree.

Commissioner Russell addressed the idea that streetscape standards would eventually be developed for Cady Street. However, this application could not be held to a standard that did not yet exist.

Commissioner Snyder confirmed with Mr. Berent that the retaining wall would be reinforced cast stone. The material as presented had been approved by the HDC.

Commissioner Mowers said that Section 18.14 required the Planning Commission to review condominium documents. Planning Consultant Elmiger noted that the July 13, 2015 Carlisle/Wortman review letter did say that these could be reviewed administratively. In previous cases, condominium documents had been reviewed administratively.

Commissioner Maise said that the lighting plan had to come back to the Planning Commission for review.

Commissioner Mowers said that several of the Commission's concerns had to do with the condominium documents: regulation of first floor bedrooms, terrace use, etc. These were important details in how the property was managed going forward.

Mr. Berent asked if the photometrics and condominium documents could be included as conditions of an affirmative motion. Working with the City, including waiting through the Cady Street Overlay process, had taken 1.5 years.

Commissioner Smith said that the Commission would never see the plans again. If the Commission moved forward as Mr. Berent requested, the Commission would never see the condominium bylaws, etc.

Commissioner Mowers said the ordinance required the Commission to review the condominium documents, as well as any changes to the approved site plan. Perhaps there could be an affirmative motion with the conditions that these things ultimately would be approved by the Planning Commission.

Commissioner Maise asked if the entire project could be approved this evening, since the photometrics and the condominium documents had not yet been submitted.

Commissioner Mowers said there were a number of ways this could move forward. He was concerned that the Commission needed to set a standard of how these issues would be resolved and how ordinance requirements would be met, especially in overlay districts such as this one, and regarding condominium developments that were proposed in similar tight spaces.

Commissioner Maise said one issue was whether the ordinance reflected what the Commission wanted the policy to be regarding condominium document review.

City Manager Sullivan commented that the City would be happy to provide a legal opinion regarding the condominium documents once they were drafted, and he had no problem with those documents being reviewed by the Commission as required by the ordinance. For tonight's action, one question was whether there was anything in the condominium documents that would affect construction of the site or whether the documents strictly affected occupancy. Perhaps construction could go forward, with the caveat that no certificate of occupancy would be issued without other issues being resolved, including condominium document approval.

Commissioner Mowers said that this course of action would be a risk to the developer. The developers should understand and acknowledge that they might be putting significant money into this project, and at the end there was a chance that they would not receive a certificate of occupancy.

Ms. Fulkerson said that 7 units had been sold, but these deals could fail if the project did not move forward. She felt they could have condominium documents before the board prior to the major part of the construction even beginning. She would like further information regarding what the Commission wanted included in the documents.

Planning Consultant Elmiger said a motion could be conditioned upon the condominium documents being submitted within a certain amount of time. Ms. Fulkerson said the condominium documents could be completed within 4 weeks.

In response to a question from City Manager Sullivan, Mr. Berent said they would have full construction drawings within 2-1/2 months.

Chair Wendt commented that the Commission would need to see the photometrics also.

Mr. Berent said they could not commit the money to engineers, architects, and their legal team (for the documents) before full approval to move ahead was received.

Commissioner Snyder asked about the rear elevation drawings, which showed two overhead doors with no service door connected to them. However, the service doors were on the floor plan. Which was correct?

Mr. Berent said that for those two-car garages there would be no “man doors.”

Commissioner Mielock said that the applicant had waited an extended period of time, including waiting through the Cady Street Overlay District process. If possible, it would be appropriate to move the project forward, with conditions that the applicant had to come back with the condominium documents and photometrics for Planning Commission approval.

City Manager Sullivan said a final approval could be given with the understanding that the City would not issue a building permit until the Planning Commission had approved the condominium documents, the photometric plan, and also no final approval for the driveway until a traffic analysis had been submitted.

Commissioner Russell asked Public Works Director Gallogly to comment regarding the Carlisle/Wortman recommendation under D.2. on page 11 of the review letter: *Coordinate elimination of parking spaces on west side of Griswold with DPW Director.*

Public Works Director Gallogly said that just like for every driveway, parking would have to be pulled back two or three spaces, and this would be accomplished when Griswold was striped for this access drive. There was no plan to eliminate all the parking on the west side of Griswold.

From the audience, Bob Yuhasz, 18226 Parkshore Drive, Northville MI, said that he was a preliminary investor in this development. He spoke to the need of baby boomers who had settled in the Northville area who had larger homes who wanted to simplify and downsize and still stay within the area. He encouraged final site plan approval this evening, while also supporting the review of the condominium documents as suggested.

MOTION by Mielock, support Maise, to grant final site plan approval including a granting of the waiver for the front setback, for the Corner House at 335 E. Cady Street, Northville MI, with the following conditions to be met prior to the issuing of a building permit:

- A. Submission by the applicant and approval by the Planning Commission of the condominium documents, including the Master Deed and Bylaws.**
- B. Submission by the applicant and approval by the Planning Commission of the lighting photometric plan.**
- C. All recommendations on pages 11-12 of the Carlisle/Wortman site plan review letter dated July 13, 2015 be resolved by the applicant.**

And the following condition to be met prior to the issuance of a right-of-way permit:

- D. Level of service traffic analysis on the driveway off of Griswold be submitted by the applicant and approved by the Planning Commission.**

Chair Wendt asked for a roll call vote.

Russell	yes
Snyder	yes
Smith	yes
Miller	yes
Mielock	yes
Maise	yes
Mowers	yes
Wendt	yes

Therefore, the motion carried unanimously (Kirk absent.)

THE KROGER COMPANY – 425 N. CENTER

Referencing the Carlisle/Wortman review letter of July 13, 2015, Planning Consultant Elmiger gave the background for this application, which was to renovate the existing Hiller’s grocery store building into a Kroger grocery store. Modifications were proposed for the interior and exterior of the building, as well as re-paving and re-striping of the parking lot. The plans also called for a walk-up pharmacy window, and Clicklist canopy, which would accommodate shoppers who ordered their groceries online and were waiting to have them delivered to their car. Also planned were expanded outdoor covered sales and display in front of the building. These features were a change of use, which required submission of a site development plan to the Planning Commission.

Planning Consultant Elmiger said that while some of these uses were not precisely mentioned in the Ordinance, similar uses were regulated.

Regarding the walk-up pharmacy window, pharmacies were a permitted use in the Central Business District (CBD). However, exterior pick-up windows were not specifically permitted. Planning Consultant Elmiger did not consider the window to be a “drive-thru,” since the shopper parked their car, or walked directly to the window. Also, unlike a drive-thru, the walk-up window did not require any special site features to manage vehicular traffic. Last, the walk-up window was a minor element, and could be considered accessory to the pharmacy.

Take-out restaurants were permitted uses in the CBD. While the definition of take-out restaurants excluded drive-up windows, it did not exclude walk-up windows. Planning Consultant Elmiger considered the pharmacy window similar in operation to a take-out restaurant walk-up window, and that was a permitted use.

Regarding the curbside shopping canopy (Clicklist), Planning Consultant Elmiger explained that this new program was referred to as curbside shopping. Shoppers chose their items online, and designated a pick-up time for their order. When they arrived at the store, an employee was ready to load the groceries into their waiting car and payment was made using a credit card and a mobile device. The plans showed the canopy in the southern parking lot.

Planning Consultant Elmiger said that the curbside canopy was similar to the ordinance's definition of a "drive-in," as follows:

"Drive-in: Is a business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purposes as the drive-in service."

However, there were some differences between this definition of a drive-in and the proposed shopping canopy. For instance, one major difference was the scale of the use. The curbside shopping use did not define the character of the entire site, but was relatively small in size and accessory to the larger grocery store. Secondly, unlike a typical drive-in, the pick-ups would be scheduled to a specific time.

Planning Consultant said that she had proposed some further questions regarding the Clicklist use on page 4 of the review letter.

The third new/expanded use was the proposal to have 674 square feet of sales under a new canopy along the east and north building façades. The Zoning Ordinance did not allow commercial outdoor display/storage in the CBD. However, because the outdoor display was proposed to be located under a canopy, this was considered an enclosed shopping area and therefore not meeting the definition of "commercial outdoor display."

Planning Consultant Elmiger concluded her review.

Matt Andrus of Jeffery A. Scott Architects p.c., 32316 Grand River Ave., Farmington, MI was present on behalf of this site plan approval request.

Utilizing the overhead projector, and also referring to supplemental information distributed this evening to the Commission, Mr. Andrus made the presentation for this application. He explained that they were here seeking approval for the walk-up pharmacy window, the Clicklist canopy, and the outdoor sales.

Mr. Andrus clarified that the canopy on the building that would cover the outdoor sales/display was actually existing and the canopy itself would not be expanded. They were also not expanding the footprint of the building. Elevations would not change.

Mr. Andrus said the proposed pharmacy walk-up window would have a small fabric awning over it. There would also be a recycle room entrance with an added door that would have the same type of small

matching fabric awning. All the fabric awnings would match. Along the front entrance area the glass would be converted to clear glass.

The Clicklist canopy was shown on drawing SPA-3, in the south parking lot.

Mr. Andrus acknowledged ~~there~~ the list of questions and outstanding items listed in the review letter. They would be happy to answer any questions regarding what they were proposing to do.

Commissioner Maise reviewed the questions on page 4 of the review letter regarding the new Clicklist program. Had these questions been answered? For instance, was the program implemented in other stores?

Adam Crane, Kroger Company, 25000 Belmont Drive, Novi MI, said that this program had not been implemented in any stores in Michigan; 11 stores were slated for this use. They had implemented similar programs in Harris Teeter stores in the Carolina area, King Supers in Colorado, and this specific program in Liberty Township Ohio. The Clicklist program proposed tonight would actually be one of the first of its kind within the Kroger branded stores.

Commissioner Maise asked how many vehicles could use the program on a daily basis. Mr. Crane said this was difficult to answer because they didn't have a built-up experience with this program. They were expecting good turnout for the program, but only time would tell. They did have only two spaces with two queuing spaces and it was a time-scheduled program. They anticipated a 5-minute turnover per parking position.

Discussion followed regarding the characteristics of this new program, including how the program would work internally to the store.

Commissioner Maise asked about the Clicklist canopy material, which was plastic. Had any communities asked for something higher-end? Mr. Crane said this had not been an issue. The canopy as shown was their prototype, was fairly minimalist, and was planned to provide minimum disruption to the parking lot, which in this instance was a very busy lot.

In response to a question from Chair Wendt, Planning Consultant Elmiger said that the residential prohibition against canopies did not apply to commercial areas. City Manager Sullivan pointed out that the proposed canopy was not a membrane structure.

In response to a question from Planning Consultant Elmiger, Mr. Andrus said the canopy material was a hard acrylic panel, with a steel support structure and was meant to be permanent. There would be electronic communication between the canopy and the store.

In response to comments from Commissioner Snyder, Mr. Crane said that the difference between this program and a standard drive-thru use was that in this scenario the queuing time was scheduled and drivers made their selections in advance.

Commissioner Mielock said this was similar in nature to dedicated pick-up spaces at restaurants, where the carry out order had been placed in advance.

Commissioner Mowers suggested re-opening the southern drive, in order to facilitate left-hand turns and traffic flow. If approved, the Clicklist traffic could be routed one direction in, and one direction out.

Mr. Crane said he hesitated to open the southern drive as they needed the parking spaces there. They could not close the northern drive because it was a one-way entrance for truck deliveries.

Commissioner Mowers mentioned that as the City was trying to make Center Street more pedestrian friendly, and as this plan included a walk-up pharmacy, perhaps some sort of *yield for pedestrians* would be appropriate, especially for people who wanted to walk from Rayson Street to the west side of Center.

Commissioner Miller said that according to the information given, 12 cars per hour per lane could access the Clicklist canopy, or 24 total customers per hour.

Mr. Crane said that they felt the Clicklist program would improve the amount of available parking, as those customers would not need to park and get out of their cars in order to pick up their groceries.

Commissioner Mowers asked if the parking spaces dedicated to the Clicklist program were otherwise spoken for by any shared parking agreements. Mr. Crane said that those spaces were not part of any shared parking agreements. There was a parking easement on the north side of the parking lot and that would remain.

In response to questions from Commissioner Snyder, Mr. Crane said they were not planning on having any dedicated parking for the pharmacy walk-up window. The cart corral locations would remain the same as they were for the Hillers store. No additional cart corrals were planned.

In response to a question from Commissioner Mielock, Planning Consultant Elmiger said the cart corrals used 3 parking spaces. Commissioner Mielock confirmed that there was still enough parking to meet ordinance requirements.

In response to a further question from Commissioner Mielock, Mr. Crane said that they were not proposing any outdoor cart storage along the building. Commissioner Mielock said that Hillers had been prohibited from storing carts along the building.

Chair Wendt spoke to the difficulty of finding a parking space in this parking lot, especially during peak hours. Mr. Crane said they were aware of the parking situation and they hoped the Clicklist program would help free up some parking.

Commissioner Mowers reviewed the parking requirements as listed in the review letter. He confirmed with Planning Consultant Elmiger that with the cart corrals they still met parking requirements, including barrier-free spaces.

In response to a question from Commissioner Smith, Mr. Crane said the mezzanine would include managers' offices, machine room, etc. It would not act as a sales floor.

In response to comments from Commissioner Russell regarding the Clicklist spaces, Planning Consultant Elmiger said the markings for the Clicklist shopping program did not conform to ordinance standards. However, the curbs did comply. The striping extended beyond the use into the drive aisle but the bumper curbs on each side were only as long as the parking space. Therefore the maneuvering lanes were the correct dimensions – though they were the minimum permitted by ordinance.

Commissioner Russell reviewed the dimensions of the Clicklist canopy area as presented on the plan. It appeared that the drive aisle extended 3'6" into the maneuvering lane.

Mr. Andrus said they would look at the drawings again. If they were not meeting minimum clearances for the drive aisle they would correct that. They would make sure the curbs did not extend into the drive aisle.

Commissioners Russell and Mielock explained that the curbs were not so much the issue as having actual cars extend into the drive aisle. The concern was whether the waiting spaces met minimum standards for maneuvering lanes, especially with the 3'6" walkway in between the 19-foot spaces as shown.

Commissioner Maise wondered if the spaces were parking spaces or stacking spaces, and did stacking spaces require less space? Commissioner Russell thought that stacking spaces were only attached to drive-thru's, but a drive-thru was not allowed.

General discussion followed regarding whether the spaces at the Clicklist canopy should be considered parking or stacking spaces, and was the Clicklist canopy area a drive-thru? Was the concept of a drive-thru in the ordinance attached to a restaurant with prepared food? Drycleaners' pick-up windows, along with branches and credit unions, were allowed. Was the Clicklist canopy program a service? However, when a drugstore had wanted a drive-thru pharmacy, they were denied.

Mr. Crane emphasized that the Clicklist program was a scheduled program.

In response to comments by the Commission, Tom Frank, Kroger Company, said that state liquor laws prohibited bringing liquor out to customers in the canopy area.

In response to questions from Commissioner Mielock, Mr. Crane said they would have new rooftop HVAC units. These would be screened to ordinance standards.

Commissioner Mielock confirmed that the applicants were seeking preliminary and final site plan approval this evening.

Commissioner Russell addressed landscaping on the site. The applicant had stated that they would not modify the landscaping. However, some of the existing landscaping was very tired. Planning Consultant Elmiger pointed out that the review letter had recommended maintenance to refresh the existing landscaping. The ordinance required that dead or dying landscape plantings be replaced. All plantings were required to be in a live, thriving condition.

Mr. Crane said their plan was to bring all landscaping up to Kroger standards. All dead plants would be replaced, everything would be properly mulched, etc.

In response to question from Commissioner Russell, Planning Consultant Elmiger said that it was appropriate for the Commission to provide direction regarding landscaping maintenance. One way to provide direction would be to require a note on the plans regarding what Kroger intended to do with the existing landscaping, such as replacing dead plants, mulching, and accomplishing a general landscape cleanup. This could be a condition of a motion for approval.

In response to a question from Commissioner Snyder, Mr. Crane said their goal was to open the store in November, before Thanksgiving. Currently the store was completely gutted. Appropriate permits had been issued by the City for interior work, including an interior demolition permit. They were receiving

bids for interior work right now. The Clicklist program was a new program, and in many ways was uncharted territory.

Commissioner Snyder suggested linking any conditions to a motion for approval to the issuance of a Certificate of Occupancy.

Mr. Crane requested that the conditions not be tied to a Certificate of Occupancy, as the uses – including the Clicklist – being discussed this evening were ancillary to the primary use of opening a Kroger store.

Commissioner Mowers referred to D.4. of the recommendations on page 11 of the review letter: *Address limited sidewalk area due to vehicles overhanging the curb at the front sales area.* Did this overhanging situation apply to the proposed pharmacy window, because with sales displays and perhaps cars overhanging the curb, how would people walk from the front of the store to the pharmacy window?

Mr. Crane said they had contemplated using parking bumpers to keep cars from overhanging the curb.

Commissioner Mowers asked if the applicants had considered as part of the landscape updates working in a way to make the pharmacy walkup a little more pedestrian friendly. Could there be something that would flag pedestrian access to the walkup window for drivers circulating in the site?

Mr. Crane said that since there was no dedicated parking for the pharmacy window, it would be difficult to determine a dedicated pedestrian access there.

Commissioner Mowers said that even without a dedicated pedestrian access, perhaps something could specifically call out for drivers the possibility of pedestrians approaching the pharmacy window.

Mr. Crane said they could possibly add striping to direct pedestrian traffic. Commissioner Maise said this should be shown on the plans. Commissioner Russell described where a pedestrian could walk from the south parking lot to the front door. A 7-foot wide sidewalk was required adjacent to a parking area. The outdoor display would force pedestrians to the east on the sidewalk. Planning Consultant Elmiger said the sidewalk was about 6.5 feet wide inside the columns. Commissioner Russell pointed out that only 3 feet of sidewalk space was left for pedestrians in that area, which was only enough for single file pedestrian activity in one direction.

Mr. Andrus said he did not believe they would not be blocking pedestrian traffic.

In response to a question from Commissioner Mielock, Mr. Crane said the outdoor display would be seasonal in nature. Commissioner Russell emphasized that there needed to be a minimum of 3 feet clear for pedestrian traffic in front of the outdoor displays.

Chair Wendt said that there seemed to be several unresolved issues regarding this application. He was concerned about vehicle stacking for Clicklist users. There were other issues still outstanding and these needed to be resolved before final approval was granted.

Mr. Crane said that queuing would depend on circumstances and might always be an issue – it would be difficult to mitigate. Even if they took time to look at other options within the parking lot, queuing might always be a concern.

In response to a question from Commissioner Mielock, Planning Consultant Elmiger said the site plan was before the Planning Commission to address 3 uses: 1) the walkup pharmacy window, 2) the Clicklist canopy use, and 3) the outdoor display area. However, because these items triggered the site plan process, the entire site plan was opened up to the ordinance.

Commissioner Mowers wondered if an affirmative motion could be made with conditions to be resolved before a Certificate of Occupancy was granted, much as for the previous applicant. Commissioner Russell commented that almost every applicant wanted the Commission to move forward quickly because “time was of the essence.” The Commission often heard that, yet the applicant’s schedule was not the Commission’s problem or charge. Tonight’s project was a good one, but the Commission was setting themselves up to hear more requests for approval conditioned on an applicant getting a Certificate of Occupancy and/or a building permit. Was this a desirable outcome?

Commissioner Mowers suggested going through the consultant recommendations on page 11 of the review letter with the applicant, as follows:

- A. 1. Pharmacy walk-up window. 2. Additional information regarding clicklist shopping canopy. 3. Display/sales in front of store under canopy.
- B. Provide elevations of clicklist canopy (curbside shopping) structure, including dimensions and height. *Mr. Crane confirmed this was done.*
- C. Confirm that there is no grading proposed on site. *Mr. Crane confirmed this was done. There was no grading proposed.*
- D. 1. Confirm that existing parking easement agreement with What’s Stirring is in effect. *Mr. Crane confirmed this was done. The parking easement remained in effect.*
2. Provide number and type of delivery trucks visiting the site. *Mr. Crane said this would depend on volume.*
3. Confirm that barrier-free parking signs already existing on site and will be re-used. *Mr. Crane confirmed this was done.*
4. Address limited sidewalk area due to vehicles overhanging the curb at the front sales area. *Mr. Crane said this would be addressed by putting in parking lot bumpers.*
- E. 1. Appropriate pavement markings and signage to identify flow of traffic into the site and through the parking lot shown on site plan. *Mr. Crane said, “yes.”*
2. Possible pedestrian plaza as non-motorized enhancement to site. *Mr. Crane said they would look at the south entrance for this.*
3. Bicycle parking on site. *Mr. Crane said they would have a bike rack.*
- F. Maintenance to refresh the existing landscaping. *Mr. Crane said, “Absolutely.”*
- G. Additional street trees as possible streetscape element. *Mr. Crane said he needed to understand more of what that meant.*
- H. 1. Confirm if existing site lighting will be retained. *Mr. Crane said yes.* 2. Provide details regarding any proposed site or building lighting, including photometrics. *Mr. Crane said they did not have these details.*

City Manager Sullivan pointed out that new lighting was proposed in the Clicklist pickup area. Planning Consultant Elmiger said they should provide photometrics around that area. Wherever there was new lighting, the City needed a photometric.

- I. 1. Provide a dimensioned detail of the proposed wall sign. 2. Clarify if existing free-standing sign will be re-purposed, and if so, provide a dimensioned detail of the sign. *Mr. Crane said they had received sign approvals already.*
- J. Provide information regarding trash compactor screening. *Mr. Crane said there was an existing half-wall. There was a retaining wall that went around the entire side and rear of the store. He did not think additional screening was necessary.*
- K. Show canopy proposed for the main entrance on building elevations. *Mr. Crane said this was done.*

Commissioner Mowers summarized that the outstanding issues for the Commission were:

- What were the applicants going to do with the Clicklist canopy area including lighting and traffic flow?
- How were the applicants going to address the sales and display under the existing canopy, and even with the barriers for cars would there still be sufficient room for sales and display and pedestrian traffic?
- Outstanding landscaping issues.

Mr. Crane said that whatever the Commission approved, it was up to Kroger to make that work.

Commissioner Mowers said that he thought that preliminary and final site plan approval could be given contingent on Kroger's ability to show these items:

- How the Clicklist canopy would work including the lighting that would be under it
- Could Kroger actually do any sales under the canopy in light of the fact that at least for those who used the previous Hillers, you could barely get two people back and forth under the canopy?

Commissioner Russell said it was Kroger's charge to make those things work. All the Commission was doing was saying whether or not they could have those uses. Commissioner Maise thought the plans for these uses needed to be fine-tuned.

Mr. Crane said that they had to comply with ADA requirements. There was a 6-foot width under the canopy cleared between the columns and the face of the building.

Chair Wendt said he was ready to entertain a motion.

Commissioner Russell asked if the Commission wanted to tie approval to a Certificate of Occupancy.

Planning Consultant Elmiger suggested granting preliminary site plan approval and as part of that, list the items that had to be addressed when final site plan approval was scheduled before the Commission.

Mr. Crane said he would appreciate it if something else other than preliminary site plan approval might be considered. They were fully committed to a \$5 million renovation on the building. He asked if they could at least get the approval for the pharmacy walk-up, as that was part of the building plan and part of the building as a whole.

Planning Consultant Elmiger said that the preliminary approval could say that the uses could be approved. For instance, the Commission could approve the pharmacy window, stating that they considered this an appropriate and approved use in the district.

Commissioner Snyder addressed pedestrian access problems on the sidewalk, with the combination of products on display and pedestrians with carts going and coming all the way to the southern lot.

Mr. Crane said he didn't think anything they were proposing would impede people walking on the sidewalk. Most people picked up their carts at the vestibule, and would not be bringing carts from the parking lot. Therefore, it would only be one-way traffic for people with carts.

Commissioner Maise wondered if the Commission approved the 3 uses, would the applicant have to come back with further details?

Commissioner Russell pointed out that the applicants needed a building permit. Like the previous applicant, if the Commission granted preliminary and final site plan approval, and then added a condition that before they got a building permit or a C of O, the Commission would see the photometric plan and the revised Clicklist canopy details, this might suffice.

City Manager Sullivan commented that the City had issued a permit for the inside of the building and this was in process. Site plan approval was needed to cut an opening in the exterior of the building.

Commissioner Mowers indicated he was ready to make a motion.

Motion by Mowers, support Maise, for preliminary and final site plan approval for the Kroger Building Renovation at 425 N. Center Street, with the following conditions:

1. That Kroger bring back the Clicklist canopy structure lighting photometric plans and traffic flow information for Planning Commission approval.
2. Verification be provided that the outside sales and display area meet the zoning ordinance requirements.
3. Confirmation that all items listed as recommendations on page 11 of the Carlisle/Wortman review letter dated July 13, 2015 are met.

Discussion followed.

City Manager Sullivan said that he didn't think there was an ordinance requirement regarding how much merchandising was allowed on the sidewalk or if there was a minimum width for pedestrian clearance on a sidewalk.

Planning Consultant Elmiger said that ADA requirements had to be met, and this was in the ordinance.

Commissioner Mielock wondered if ADA compliance was a building permit issue. Commissioner Russell thought it was an enforcement issue. City Manager Sullivan thought the applicants should show the Planning Commission where the merchandise was going to be and where people would be able to walk.

Commissioner Mowers modified the 2nd condition of the motion to read:

2. Confirmation as to where the sales and display and pedestrian walkways would be under the

existing canopy area.

And added as a 4th condition:

4. Details of the screening of any HVAC or other rooftop units.

City Manager Sullivan questioned the process of applying conditions regarding issuing building permits after granting final site plan approval.

Planning Commissioner Russell said they were attempting to handle this motion as they did for the previous applicant. City Manager Sullivan said that situation had been different. The Corner House (the previous applicant) was at least 2 months away from having construction drawings. In the current instance, the applicants were in the building and were ready to cut the hole in the outside. Was the Commission saying that no building permits could be issued until the applicant return to the Commission with the required details?

Mr. Crane suggested that it would be easier if the outside displays and sales, and the Clicklist canopy use, were separated from the approval for a pharmacy walk-up window. The walk-up pharmacy window was tied to the building construction. The other two uses were ancillary items and they could come back to the Commission for approval of those at a future meeting.

Hearing this, Commissioner Mowers said he would withdraw his motion.

Motion by Mowers, support Maise, to terminate the motion on the floor. Motion carried unanimously.

Commissioner Mowers than offered the following motion:

Motion by Mowers, support Maise, to grant preliminary site plan approval for the Kroger Building Renovation Project for 425 N. Center Street, Northville MI, with final site plan approval granted only for the walk up pharmacy window project described in the July 13, 2015 Carlisle/Wortman review letter and shown in the attached information.

Mr. Crane said rooftop screening was in the building plans. Was this a Planning Commission issue? Commissioner Russell said the HVAC units were a Building Department issue but the screening was a Planning Commission issue.

After brief further discussion, Commissioner Mowers said the screening should return to the Planning Commission during final site plan approval and the motion assumed this.

Commissioner Snyder asked if the construction around the new entry for the recycling area should be included. Commissioner Mielock said they did not need site plan approval for this work, since it was not a new use.

Chair Wendt asked for a roll call vote.

Russell	yes
Snyder	yes
Smith	yes

Miller	yes
Mielock	yes
Maise	yes
Mowers	yes
Wendt	no

Therefore, the motion carried 7-1 (Wendt opposed; Kirk absent).

9. LOT SPLIT

635 N. CENTER STREET

Planning Consultant Elmiger gave the review for this application, which was for a lot split for an existing residence located at 635 N. Center Street. The applicant was proposing to split lot 607 into two parcels (Parcel A and Parcel B), and build a new house on the newly created parcel. The current lot contained an existing residential structure, shed, detached garage and associated driveway. The existing house and shed were proposed to remain on Parcel B, while the detached garage would remain on Parcel A.

Planning Consultant Elmiger's recommendations included:

- Demolition of existing concrete porch on the south side of the house as a condition of approval in order to meet side yard setbacks.
- If the site was split as proposed, the garage would be on the new parcel with no principal building. However, the applicant could not build a principal building without splitting the lot. She recommended that any approval be conditioned upon the requirement that a new house be constructed within a certain amount of time and that could be recorded with the lot split or tied to zoning compliance of the existing garage. If the principal structure were not constructed within the time allotted, then the garage would need to be demolished.

Charles Bultman, architect, 55 Underdown Road, Ann Arbor, MI, was present on behalf of this application. Timothy Cutting, owner, was also present. Mr. Bultman said it was their attention to move ahead immediately with the construction of the principal structure on Parcel A. Mr. Cutting would be responsible for building the new structure, and would also be responsible for removing the concrete porch on the south side of the existing home.

Commissioner Mielock asked what the applicant felt would be an acceptable time frame for the new home construction. Mr. Bultman suggested that while the intent was to move ahead quickly, it might be appropriate to give the owner a couple of years to begin the project. They had no intention of taking that long, but as he had been an architect for a long time, he knew that things sometimes happened to slow projects down.

Commissioner Mielock confirmed that if the suggested stipulation of two years was included that stipulation would go with any sale of the property. Commissioner Mowers said it would have to be attached to the property deed.

Commissioner Maise confirmed that this lot split met the State of Michigan Land Division Act 401 requirement for width to depth ratio.

Mr. Bultman said the City Assessor had confirmed compliance with the Land Division Act. This was the fourth split of the original platted lot.

Commissioner Mielock addressed the possible drive location north of the existing structure. Would this be a shared driveway?

Mr. Bultman said there would not be a shared driveway. They had not yet done their design work. They were showing that with existing conditions they could get a driveway both north and south of the existing house. Both were passed by the Building Inspector and he said either one would be fine. They would use one or the other of the locations.

Mr. Bultman again addressed the time frame for construction and completion. If for some reason they had not completed the construction within the determined time frame, could they be given a way to come back to the Planning Commission and ask for an extension?

Commissioner Snyder *asked* how the property would be accessed, given the median in front of the parcel. Mr. Bultman explained that access would remain as it was now.

Discussion was had regarding ~~including~~ the requirement to demolish the garage if the building permit was not issued within the approved time period. City Manager Sullivan explained that the normal process was that after lot split approval, the lot split was forwarded to the County. The new lot was recorded and the new tax bill was generated. The lot split was necessary before any building permits were pulled. If the lot split was recorded and the building permit was not pulled, what would the City do about the accessory structure on an otherwise vacant lot? The lot split could not be undone.

Planning Consultant Elmiger said if the building permit was not pulled, the garage would have to be demolished. This should be included in the motion.

City Manager Sullivan said that he would be more comfortable with a more formal written agreement than the Planning Commission minutes offered. The agreement should state that if for whatever reason the primary residence on Parcel A didn't get built, the garage would be demolished.

After conferring with Mr. Cutting, Mr. Bultman said they be willing to provide a letter of understanding regarding demolishing the garage under the terms of tonight's motion.

MOTION by Mielock, support by Snyder, that the Planning Commission approve the division of Lot 607, located at 635 N. Center Street, Northville MI, as presented, with the following conditions:

- 1. The applicant will demolish the existing concrete porch on the south side of the existing residence.**
- 2. A building permit will be obtained within 12 months of this approval, with the opportunity of renewing that for two additional years. The applicant must return to the Planning Commission prior to each year's renewal.**
- 3. The applicant provide a letter of understanding to be approved by the City Attorney that commits to the demolition of the accessory structure on Parcel A if building permits are not pulled within the specified time.**

Chair Wendt asked for a roll call vote.

Russell	yes
Snyder	yes

Smith	yes
Miller	yes
Mielock	yes
Maise	yes
Mowers	yes
Wendt	yes

Therefore, the motion carried unanimously (Kirk absent),

Commissioner Mielock explained that the City would not necessarily notify the applicant that a year had passed; compliance with terms of the motion was the applicant's responsibility.

Commissioner Snyder confirmed that the conditions of the lot split were tied to the property and not the specific applicant.

10. DISCUSSION:

Planning Consultant Elmiger explained that neither she nor Don Wortman would be available for the August 18 meeting. If applications came in another meeting date might be scheduled.

11. ADJOURN

As there was no further discussion, Chair Wendt asked for a motion to adjourn.

MOTION Mielock, support by Maise, to adjourn the Planning Commission meeting at 10:43 p.m. Motion carried unanimously.

Respectfully submitted,
Cheryl McGuire
Recording Secretary

Approved as amended 9/15/15